

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Office of Civil Legal Aid

Decision Package Title Maintain Children's Legal Representation Capacity

Budget Period 2015-2017 Biennial Budget

Budget Level Maintenance Level

Agency Recommendation Summary Text

Budget is required to implement ch. 108, Laws of 2014, providing for state payment for attorney representation of children in dependency cases starting six months after termination of the legal rights of all parents.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 1,576,000	\$1,577,000	\$ 3,153,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	1	1	1

Package Description

Funding is requested to continue implementation of 2ESSB 6126 (ch. 108, Laws of 2014) which provides for the appointment of attorneys to represent children in dependency cases six months following termination of the legal rights of all parents. Section 2(6) of the bill provides that the state will pay for legal representation that meets practice, caseload and training standards established in 2010 by a legislatively created Children's Representation Work Group. Section 3 of the legislation designates the Office of Civil Legal Aid as the agency to administer the system for ensuring accountability of legal representation to the referenced standards and to pay for legal representation in qualifying cases. OCLA initiated this program effective July 1, 2014. Funding is requested to continue this program consistent with anticipated numbers of

qualifying cases.

Narrative Justification and Impact Statement

How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?

Fair and Effective Administration of Justice in All Civil and Criminal Cases.

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

The Legislature determined that providing attorneys for children following the termination of the parent and child relationship is fundamental to protecting the child's legal rights and to accelerate permanency. Ch. 108, Laws of 2014, Sec. 1(1).

Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

Consistent with legislative findings and objectives, the provision of standards-based legal representation for children in qualifying cases will ensure that these most vulnerable parties will have an effective legal voice in matters that will profoundly affect the rest of their lives.

Access to Necessary Representation. *Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.*

Funding is requested in order to ensure the provision of effective, standards-based legal representation consistent with the legislative directive in ch. 109, Laws of 2014 that courts appoint attorneys to represent children who remain legally free six months following entry of orders terminating all parental rights.

Measure Detail

Impact on clients and service

Consistent with stated legislative intent, OCLA funds and oversees attorneys appointed in cases where children no longer have a parent to advocate on their behalf and there is no other party to assert or defend their stated legal interests in the dependency proceeding post- termination of parental rights. Through a web-based Case Activity Reporting and Oversight System, OCLA will monitor the activities and effectiveness of state-funded attorneys appointed to represent children under section 2(6) of ch. 109, Laws of 2014. OCLA will also monitor outcomes achieved in relation to specific child welfare indicators and court process timelines to determine the impact and effectiveness of attorney representation for these children.

Impact on other state services

It is anticipated that the provision of legal representation for children will enhance permanency

for these children in ways that are consistent with appropriate child welfare indicators, thereby reducing costs associated with ongoing foster care and extended judicial proceedings.

Relationship to Capital Budget

N/A

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

N/A

Alternatives explored

This is to continue a program established pursuant to legislative directive. There are no alternatives.

Distinction between one-time and ongoing costs and budget impacts in future biennia

All costs are ongoing.

Effects of non-funding

Non-funding will result in either (a) non-compliance with the requirement in section 2(6) of ch. 108, Laws of 2014 that attorneys be appointed for children in qualifying cases or (b) the imposition of a legislative mandate directing counties to make such appointments without sufficient funding to pay for it in violation of RCW 43.135.060.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 113,000	\$ 114,000	\$ 227,000
Non-Staff Costs	\$ 1,463,000	\$ 1,463,000	\$ 2,926,000
Total Objects	\$ 1,576,000	\$ 1,577,000	\$ 3,153,000